

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CHARLZ W. STRONG,

Civil File No. 08-225 (JMR/FLN)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

JON SHAFER, MARY AITKENS, and  
JIM ZAWACKI,

Defendants.

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This matter is before the undersigned United States Magistrate Judge for the purpose of determining whether Plaintiff has complied with the last order entered in this matter. That order, (Docket No. 12), directed Plaintiff to submit a properly completed marshal service form, (USM-285), for each named Defendant. The order also expressly informed Plaintiff that if he did not submit his marshal service forms by June 30, 2008, he would be deemed to have abandoned this action, and the Court would recommend that the action be summarily dismissed for failure to prosecute.

The deadline by which Plaintiff was required to submit his marshal service forms has now passed, and Plaintiff has not submitted any such forms. Indeed, Plaintiff has not communicated with the Court at all since the last order was entered in this case. Therefore, in accordance with the Court's prior order, it is now recommended that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, No. 07-1426, (8<sup>th</sup> Cir. 2008), 2008 WL 540172, (unpublished opinion) at \*1 ("[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or

to comply with the Federal Rules of Civil Procedure or any court order”); Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (federal court has inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

#### RECOMMENDATION

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: July 9, 2008

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **July 28, 2008**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party’s brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.